

December 22, 2005 ^{mc} DEC 30 A 10:58

CHIEF CLERK'S OFFICE

Via US Mail

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Re: Recycling Services (RSI) v. Peoples Gas
Docket No. 04-0614

Dear Ms. Rolando:

Enclosed please find the transcripts and exhibits in Recycling Services (RSI)
v. Peoples Gas, Docket No. 04-0614. The materials include:

1. Transcripts.

- a. November 18, 2004 (Pgs. 1-6)
- b. January 20, 2005 (Pgs. 7-13)
- c. April 12, 2005 (Pgs. 14-252)

2. Exhibits – On Behalf of Complainant.

- a. (8) Exhibits organized sequentially with an index affixed at the front.
- b. Please note: Complainant's Exhibit 000006 was filed separately on the E-Docket on July 20, 2005 under the heading "Testimony." The document is actually the Easement Agreement between PGL and MWRD, and found herein, sequentially filed, as Complainant Exhibit 000006.

3. Exhibits – On Behalf of Respondent.

- a. (7) Exhibits organized sequentially with an index affixed at the front

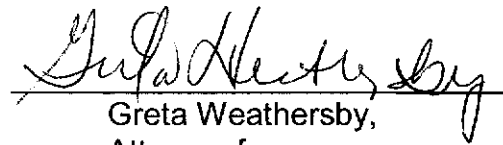
4. Exhibits – Jointly Stipulated per the Revised Joint Stipulation of Documents and Facts (filed on behalf of Joint, July 20, 2005, and affixed as a reference/index at the front).

- a. (57) Exhibits organized sequentially with the Revised Joint Stipulation of Documents and Facts affixed at the front.
- b. Please note: as indicated in the Revised Joint Stipulation, the following exhibit numbers had no documents submitted: 000016, 000027 and 000056.

These materials are provided pursuant to 220 ILCS § 10-201(b) for Peoples Gas' appeal to the Illinois Appellate Court, First District.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Greta Weathersby", is written over a horizontal line.

Greta Weathersby,
Attorney for
The Peoples Gas Light
and Coke Company

CC:
Service List in Docket No. 04-0614 (Without Attachments)

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TRANSCRIPTS

| PAGES | DESCRIPTION |
|--------------|--------------------------------------------------------------------------------------------------------------------------|
| 1-6 | Transcript of Proceedings before Administrative Law Judge Hilliard on <u>November 18, 2004</u> (Initial Hearing) |
| 7-13 | Transcript of Proceedings before Administrative Law Judge Hilliard on <u>January 20, 2005</u> (Setting Revised Schedule) |
| 14-End (252) | Transcript of Proceedings before Administrative Law Judge Hilliard on <u>April 12, 2005</u> (Main Evidentiary Hearing) |

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EXHIBITS ON BEHALF OF COMPLAINANT AT 4/12/05 **EVIDENTIARY HEARING**

| COMPLAINANT EXHIBIT NUMBER | DESCRIPTION |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 000001 | Easement Agreement between MWRD and Peoples Gas for property located at Francisco Ave. and Ainslie St. Pages: 24 |
| 000002 | Soil Boring Permit between MWRD and Peoples Gas for unspecified property (dated 1997) Pages: 20 |
| 000003 | Easement Agreement between MWRD and Peoples Gas for unspecified property (dated 1997) Pages: 21 |
| 000004 | Easement Grant between MWRD and Peoples Gas for property located at 115 th St and the Cal Saq Channel Pages: 33 |
| 000005 | Easement Agreement between MWRD and Peoples Gas for Property located at the Chicago Sanitary and Ship Canal and the Belt Railway of Chicago Pages: 19 |
| 000006 | Easement Agreement between MWRD and Peoples Gas for the property at 3154 S California Ave Pages: 21 |
| 000007 | Easement Agreement between MWRD and SBC for the property at 3154 S California Pages: 31 |
| 000008 | Easement Agreement between MWRD and Commonwealth Edison Company for the property at 3154 S California Pages: 24 |

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EXHIBITS ON BEHALF OF RESPONDENT AT 4/12/05

EVIDENTIARY HEARING

| RESPONDENT EXHIBIT NUMBER | DESCRIPTION |
|--------------------------------------|-----------------------------------------------------------------------------------------------------|
| 000001 | Peoples Gas Light and Coke Company's Terms and Conditions of Service (PGL Tariffs) Pages: 1 |
| 000002 | Easement Agreement between MWRD and Peoples Gas for 3154 S California Ave. Pages: 21 |
| 000003 | Easement Grant between Cole Taylor Bank and Peoples Gas Pages: 7 |
| 000004 | Easement Grant between Public Building Commission of Chicago and Peoples Gas Pages: 6 |
| 000005 | Easement Grant between Illinois International Port District and Peoples Gas Pages: 6 |
| 000006 | Easement Grant between Chicago Food Corp and Peoples Gas Pages: 5 |
| 000007 | Easement between State of Illinois, Department of Central Management and Peoples Gas Pages: 5 |

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

| | | |
|-----------------------------------------|---|---------|
| Recycling Services (RSI) |) | |
| |) | |
| -vs- |) | 04-0614 |
| |) | |
| The Peoples Gas Light and Coke |) | |
| Company |) | |
| |) | |
| Complaint as to People's refusing to |) | |
| supply natural gas service as requested |) | |
| by RSI in Chicago, Illinois |) | |

REVISED JOINT STIPULATION OF DOCUMENTS AND FACTS

Now come the Complainant, RECYCLING SERVICES (RSI) and the Respondent, THE PEOPLES GAS LIGHT AND COKE COMPANY ("Peoples"), by their respective counsel, and offer the following REVISED JOINT STIPULATION OF DOCUMENTS AND FACTS. This stipulation revises the post-hearing stipulation filed by the parties on April 25, 2005, which referenced facts and documents jointly agreed to at the April 12, 2004 hearing before Administrative Law Judge Hilliard, in the following ways:

- (1) It clarifies that below numbered 56 and 58 (numbered as such also in the April 25, 2005 stipulation) refer to stipulations of fact, and no documents are associated with these numbered stipulations;
- (2) It removes the reference to documents contained in former paragraphs 16 and 27 of the April 25, 2005 stipulation as no documents associated with these paragraphs were put into evidence in the proceeding.

(3) It corrects numbered paragraph 24 to reflect that the correct date of the referenced letter is March 23, 2004, not March 24, 2004;

(4) It adds a date reference (1/14/04) to the document referenced in numbered paragraph 21;

(5) It distinguishes between JOINT EXHIBITS and STIPULATED FACTS.

Wherefore, the parties jointly offer this REVISED STIPULATION to be placed into evidence in the record in this matter:

1. JOINT EXHIBIT #1: March 15, 2001 fax note from John Saigh to John Koty.
2. JOINT EXHIBIT #2: March 16, 2001, John Koty fax to John Saigh.
3. JOINT EXHIBIT #3: March 16, 2001 Koty letter to Peoples Energy.
4. JOINT EXHIBIT #4: March 20, 2001 John Saigh letter to John Koty.
5. JOINT EXHIBIT #5: June 28, 2001 fax from Mr. Jose Gonzales of Peoples to Mr. Koty.
6. JOINT EXHIBIT #6: September 9, 2001 fax from Mr. Koty to Nina Leonard of Peoples.
7. JOINT EXHIBIT #7: September 9, 2001 fax from Mr. Koty to Mr. Saigh.
8. JOINT EXHIBIT #8: September 13, 2001 Mr. Koty fax to Mr. Gonzales.
9. JOINT EXHIBIT #9: September 17, 2001 fax from Ms. Leonard to Mr. Koty.
10. JOINT EXHIBIT #10: October 16, 2001 fax from Ms. Leonard to Mr. Koty
11. JOINT EXHIBIT #11: December 5, 2001 fax from Ms. Leonard to Mr. Koty.
12. JOINT EXHIBIT #12: Amended Lease Agreement between MWRD and RSI revised 1/3/03.
13. JOINT EXHIBIT #13: September 9, 2003 fax from Mr. Koty to Mr. Saigh


14. JOINT EXHIBIT #14: October 2, 2003 fax from Mr. Koty to Mr. Saigh.
15. JOINT EXHIBIT #15: October 16, 2003 fax from Mr. Koty to Mr. Saigh.
16. **NO JOINT EXHIBIT 16 (DOCUMENT NOT ADMITTED)**
17. JOINT EXHIBIT #17: October 16, 2003 Easement Agreement between MWRD and RSI.
18. JOINT EXHIBIT #18: October 27, 2003 fax from Mr. Koty to Ms. Leonard
19. JOINT EXHIBIT #19: December 14, 2003 fax from Mr. Koty to Mr. Joe Tassone of Peoples.
20. JOINT EXHIBIT #20: January 8, 2004 letter with Easement Agreement to Ms. Susan Morakalis, MWRD Attorney.
21. JOINT EXHIBIT #21: Ms. Morakalis letter to Mr. Tassone with Easement Agreement, 1/14/04
22. JOINT EXHIBIT #22: February 7, 2004 fax from Mr. Koty to Mr. Barbakoff.
23. JOINT EXHIBIT #23: February 19/26, 2004 fax from Mr. Koty to Mr. Barbakoff.
24. JOINT EXHIBIT #24: March 23, 2004 letter from Mr. Barbakoff to Mr. Koty.
25. JOINT EXHIBIT #25: April 2, 2004 fax letter from Ms. Morakalis to Mr. Barbakoff with attached MWRD Easement Agreement.
26. JOINT EXHIBIT #26: April 6, 2004 fax letter from Mr. Koty to Mr. Barbakoff.
27. **NO JOINT EXHIBIT #27 (DOCUMENT NOT ADMITTED)**
28. JOINT EXHIBIT #28: May 13, 2004 letter from Ms. Ritscherle to Mr. Koty
29. JOINT EXHIBIT #29: May 25, 2004 letter from Ms. Morakalis to Ms. Ritscherle
- 25, 2004 letter from Ms. Morakalis to Ms. Ritscherle.

30. JOINT EXHIBIT #30: June 17, 2004 letter from Ms. Ritscherle to Mr. Koty.
31. JOINT EXHIBIT #31: June 23, 2004 fax letter form Ms. Morakalis to Ms. Ritscherle.
32. JOINT EXHIBIT #32: July 1, 2004 fax from Mr. Koty to Mr. Tassone.
33. JOINT EXHIBIT #33: July 2, 2004 Ms. Ritscherele letter to Mr. Koty.
34. JOINT EXHIBIT #34: July 6, 2004 email from Ms. Morakalis to Ms. Ritscherele.
35. JOINT EXHIBIT #35: July 8, 2004 fax letter from Ms. Ritscherle to Ms. Morakalis.
36. JOINT EXHIBIT #36: July 13, 2004 letter from Mr. Koty to Ms. Anita Brent, Consumer Services Division, Illinois Commerce Commission.
37. JOINT EXHIBIT #37: MWRD Standard Utility Easement Agreement, as revised July 14, 2004.
38. JOINT EXHIBIT #38: July 15, 2004 letter from Ms. Morakalis to Ms. Ritscherle.
39. JOINT EXHIBIT #39: July 19, 2004 fax from Mr. Koty to Ms. Brent.
40. JOINT EXHIBIT #40: July 19, 2004 fax from Ms. Morakalis to Mr. Koty.
41. JOINT EXHIBIT #41: August 24, 2004 Althoff Industries Request for Information to Mr. Barbakoff
42. JOINT EXHIBIT #42: August 30, 2004 email from Ms. Morakalis to Ms. Ritscherle.
43. JOINT EXHIBIT #43: August 30, 2004 letter from Mr. Riordan to Mr. Koty.
44. JOINT EXHIBIT #44: September 9, 2004 Althoff Industries letter to Mr. Barbakoff.

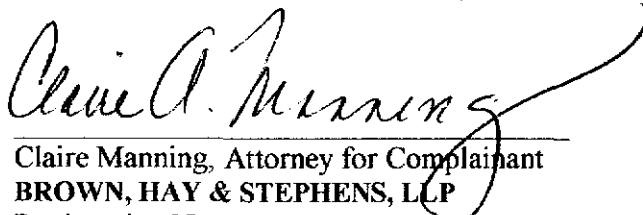
45. JOINT EXHIBIT #45: September 14, 2004, fax from Ms. Morakalis to Ms. Ritscherle.
46. JOINT EXHIBIT #46: September 21, 2004 letter from Mr. Koty to Mr. John Riordan of Peoples responding to Mr. Riordan's letter of August 30, 2004.
47. JOINT EXHIBIT #47: October 4, 2004 email from Ms. Morakalis to Ms Ritscherle.
48. JOINT EXHIBIT #48: October 26, 2004 Althoff Industries letter to Mr. Koty.
49. JOINT EXHIBIT #49: Easement Agreement revised November 3, 2004.
50. JOINT EXHIBIT #50: November 11, 2004 Walsh Construction letter to Recycling Systems
51. JOINT EXHIBIT #51: November 15, 2004 letter from Ms. Ritscherle to Ms. Morakalis.
52. JOINT EXHIBIT #52: November 17/December 13, 2004 AmeriGas Invoices.
53. JOINT EXHIBIT #53: November 22, 2004 letter from Mr. George Schuitema to Ms. Morakalis.
54. JOINT EXHIBIT #54: December 3, 2004 letter from Ms. Morakalis to Mr. Koty with fully signed Easement Agreement.
55. JOINT EXHIBIT #55: December 20, 2004 Althoff Industries Change Order Request
56. STIPULATED FACT: Telephone service installed December 20 or 21, 2004
(NO DOCUMENT ADMITTED AS JOINT EXHIBIT 56).
57. JOINT EXHIBIT #57: Pressure Testing Agreement between Peoples and RSI dated January 19, 2005 .

58. STIPULATED FACT: Gas service provided to RSI on January 26, 2005 (NO DOCUMENT ADMITTED AS JOINT EXHIBIT #58).

Respectfully submitted,
THE PEOPLES GAS LIGHT AND COKE
COMPANY


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RECYCLING SERVICES (RSI)


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